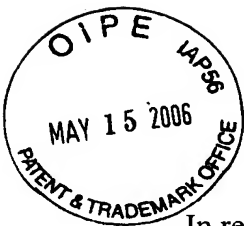


IFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Heike PAHL

Examiner: Bridget E. Bunner

Serial No.: 10/727,619

Group Art Unit: 1647

Filed: December 5, 2003

Title: PRV-1 GENE AND USE THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP AMENDMENT

Commissioner for Patents

Box 1450

Alexandria, Virginia 22313-1450

Sir:

In response to the Restriction Requirement dated April 18, 2006, Applicants hereby elect with traverse Group I (claims 1, 4, 13, 15, 18, 21, 22, 24, 27).

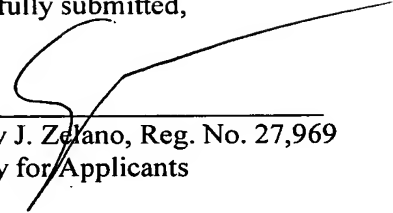
The Examiner is urged to withdraw the restriction requirement/election. A search of all the claims would comprise overlapping subject matter, and it would not be an undue burden on the examiner to carry out a search. "If search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct invention." (Emphasis added.) M.P.E.P. 803. Accordingly, it is respectfully submitted that the restriction be withdrawn.

Although it is believed that a restriction/election is not proper at all in the subject application as discussed above, Applicants submit that Group II (claims 11-12, drawn to a process of detecting polycythaemia vera) should be examined with elected Group I inasmuch the method claim 13, drawn to the same, has been restricted under Group I. These Groups both require the isolated polypeptide of the elected group. Moreover, Applicants submit that the patentability of the method of use claims of Group V (claims 17 and 20) is based at least on the patentability of the claimed polypeptide, and, as such, mandates maintaining these claims with Group I.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.



Respectfully submitted,



Anthony J. Zelano, Reg. No. 27,969
Attorney for Applicants

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410
Attorney Docket No.: LEDER-1-D01

Date: May 15, 2006